

194  
85-228-A

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C.1 to permit side yard setbacks of 6 feet and 7 feet in lieu of the required 25 feet and 10 feet, respectively. And to permit lot widths of 50 feet instead of the required 55 feet.

Because lot is only 50' wide, and it is a corner lot, a reasonable size house cannot be built on this property without these variance requests. O

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Harry R. Hild, Jr. (Hild)  
(Type or Print Name)  
Signature: Harry R. Hild, Jr.  
Address: 505 Epsom Rd. Apt. 2-A  
Towson, Md. 21204 337-3880  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
City and State  
Phone No.

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
City and State  
Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 9th day of January, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of February, 1985, at 10:30 o'clock A.M.

By Arnold Jablon  
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
SW Corner of Linden Terrace and Centre Ave. (111 Linden Terrace), 9th District : OF BALTIMORE COUNTY  
HARRY R. HILD, JR., Petitioner : Case No. 85-228-A

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 30th day of January, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. Harry R. Hild, Jr., 505 Epsom Road, Apt. 2-A, Towson, MD 21204, Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

IN RE: PETITION ZONING VARIANCES : BEFORE THE  
SW/corner of Linden Terrace and Centre Avenue (111 Linden Terrace) - 9th Election District : ZONING COMMISSIONER  
Harry R. Hild, Jr., : OF BALTIMORE COUNTY  
Petitioner : Case No. 85-228-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of 6 feet and 7 feet instead of the required 25 feet and 10 feet, respectively, and a lot width of 50 feet instead of the required 55 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the Petitioner is in the process of purchasing the subject property, unimproved and zoned D.R.5.5, from the adjoining property owner. The adjoining lot is also 50 feet wide. In fact, the lots in this community are 25 feet wide and most of the building lots have been combined into 50-foot widths. The Petitioner is purchasing Lots 10 and 11, each 25 feet wide, and proposes to construct his home thereon. The property is located on the corner of Linden Terrace and Centre Avenue in Towson, and the proposed house and garage will face Linden Terrace. The 26' x 24' house will have a 12' x 20' attached garage on its west side. The setback between the garage and the west property line would be 7 feet, and the setback between the house and Centre Avenue, the east property line, would be 6 feet. There is no question that a majority of the homes in this area are constructed on 50-foot-wide parcels.

The Petitioner testified that he spoke with the president of the local community association who was enthusiastic about his proposal.

The Petitioner seeks relief from Section 1802.3C.1, pursuant to Section 387, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of February, 1985, that the Petition for Zoning Variances to permit side yard setbacks of 6 feet and 7 feet instead of the required 25 feet

- 2 -

and 10 feet, respectively, and a lot width of 50 feet instead of the required 55 feet be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon  
Zoning Commissioner of Baltimore County

Ad/srl  
cc: Mr. Harry R. Hild, Jr.  
People's Counsel

PETITION FOR VARIANCES  
9th Election District

LOCATION: Southwest corner of Linden Terrace and Centre Avenue (111 Linden Terrace)

DATE AND TIME: Thursday, February 14, 1985 at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit side yard setbacks of 6 feet and 7 feet in lieu of the required 25 feet and 10 feet, respectively and to permit lot widths of 50 feet instead of the required 55 feet.

Being the property of Harry R. Hild, Jr. as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning on the south side of Linden Terrace 50 feet wide, and the west side of Centre Ave. 50 feet wide, at the corner of Linden Terrace and Centre Ave. Being lots 10, 11, in the subdivision of Towson Manor. Book No. 5 Folio 79. Also known as 111 Linden Terrace in the 9th Election District.

85-228-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of January, 1985.

Arnold Jablon  
Zoning Commissioner

Petitioner Harry R. Hild, Jr.  
Petitioner's Attorney

Received by Nicholas S. Commodore  
Chairman, Zoning Plans Advisory Committee



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 5, 1985

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Harry R. Hild, Jr.  
505 Epsom Road Apt. A  
Towson, Maryland 21204

RE: Item No. 194 - Case No. 85-228-A  
Petitioner - Harry R. Hild, Jr.  
Variance Petition

Dear Mr. Hild:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari, Jr.*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

January 23, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #194 (1984-1985)  
Property Owner: Harry R. Hild, Jr.  
(Contract Purchaser)  
S/W cor. Linden Terrace & Centre Ave.  
Acres: 50' x 125'  
District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

## General:

Linden Terrace and Centre Avenue shall ultimately be improved as 40-foot rights-of-ways based on the centerline of the existing roads and shall have a fillet established at the intersection.

As no other public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

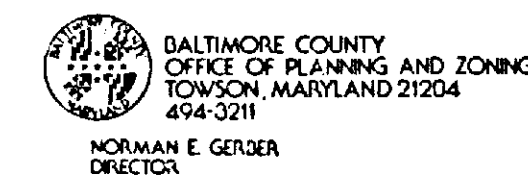
Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

*James A. Markley, P.E.*  
JAMES A. MARKLEY, P.E., Chief  
Bureau of Public Services

JAM:EAM:ROP:ss

2/14



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204

NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

2/1/85

Re: Zoning Advisory Meeting of 1/16/85  
Item #194  
Property Owner: Harry R. Hild, Jr.  
Location: SW Cor. Linden Terrace & Centre Ave.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ( ) Landscaping: Must comply with Baltimore County Landscape Manual.
- ( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ( ) Additional comments: \_\_\_\_\_

Eugene A. Boker  
Chief, Current Planning and Development

cc: James Hoswell



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

January 23, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Harry R. Hild, Jr. Contract Purchaser

Location: SW/Cor. Linden Terr. & Centre Ave.

Item No.: 194 Zoning Agenda: Meeting of 1/16/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Patricia J. Kelly* 1-27-85 Noted and Approved: *Carol M. Markowitz*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

January 23, 1985

ED JALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #194 Zoning Advisory Committee Meeting are as follows:

Property Owner: Harry R. Hild, Jr. (Contract Purchaser)  
Location: S/W Corner Linden Terrace and Centre Avenue  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit side yard setbacks of 6' and 7' in lieu of the required 25' and 10', respectively and to permit lot widths of 50' instead of the required 55'.  
Acres: 50' x 125'  
District: 9th.

The items checked below are applicable:

- (A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 EXCEPT WHERE SHOWN OTHERWISE ON THE PLANS AND OTHER APPLICABLE CODES.

- (B) A building/ & other / miscellaneous permit shall be required before beginning construction.

- (C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

- E. An exterior wall erected within 6'0" for commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 4107 and Table 4102, also Section 503.2.

- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/\_\_\_\_\_.

- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

- I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office (if Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burcham*  
Charles E. Burcham, Chief  
Plans Review

## BALTIMORE COUNTY, MARYLAND

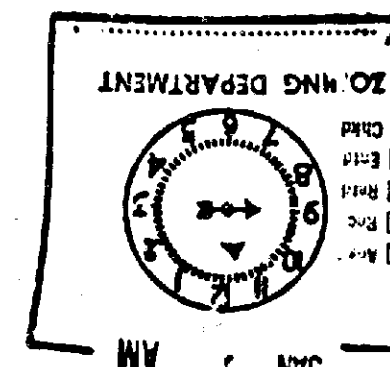
### INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: February 5, 1985  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition Nos. 85-219-A, 85-220-A, 85-221-A, 85-223-A,  
SUBJECT: 85-224-A, 85-225-A, 85-228-A, 85-229-A, and 85-230-A

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber and Ed Hoswell*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEB/JCH/sf







BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

February 4, 1985

Mr. Harry R. Hild, Jr.  
505 Epsom Road, Apt. 2-A  
Towson, Maryland 21204

RE: Petition for Variance  
SW/cor. Linden Terrace and Centre Ave.  
(111 Linden Terrace)  
Harry R. Hild, Jr. - Petitioner  
Case No. 85-228-A

Dear Mr. Hild:

This is to advise you that \$51.50 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 004997

DATE 2/13/85 ACCOUNT R-01-615-000

AMOUNT \$ 51.50

RECEIVED FROM: Harry R. Hild, Jr.

FOR: Advertising and Posting Case #85-228-A

8 8000\*\*\*\*\*51501a 0138F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 003157

DATE 1/9/85 ACCOUNT R-01-615-000

AMOUNT \$ 35.00

RECEIVED FROM: Harry R. Hild, Jr.  
FOR: Adm 14 194

6 0000\*\*\*\*\*3501a 0038F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

85-228-A  
10:20 A.M.

District 924 Date of Posting 1/25/85  
Posted for: Variance - SW/cor. Linden Terrace & Centre Ave.  
Petitioner: Harry R. Hild, Jr.  
Location of property: SW/cor. Linden Terrace & Centre Ave.  
111 Linden Terrace, 21204  
Location of Sign: Facing Linden Terrace, approx. 25' from NW corner  
of Linden & Centre, on property of petitioner  
Remarks: [Signature]  
Posted by [Signature] Date of return: 2/8/85  
Number of Signs: 1

January 15, 1985

Mr. Harry R. Hild, Jr.  
505 Epsom Road, Apt. 2-A  
Towson, MD 21204

NOTICE OF HEARING

RE: Petition for Variance  
SW/cor. Linden Terrace and Centre Ave.  
(111 Linden Terrace)  
Harry R. Hild, Jr. - Petitioner  
Case No. 85-228-A

TIME: 10:30 a.m.

DATE: Thursday, February 14, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 24, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 24, 1985

THE JEFFERSONIAN,

13 Kenton  
Publisher

Cost of Advertising  
\$20.00

CERTIFICATE OF PUBLICATION

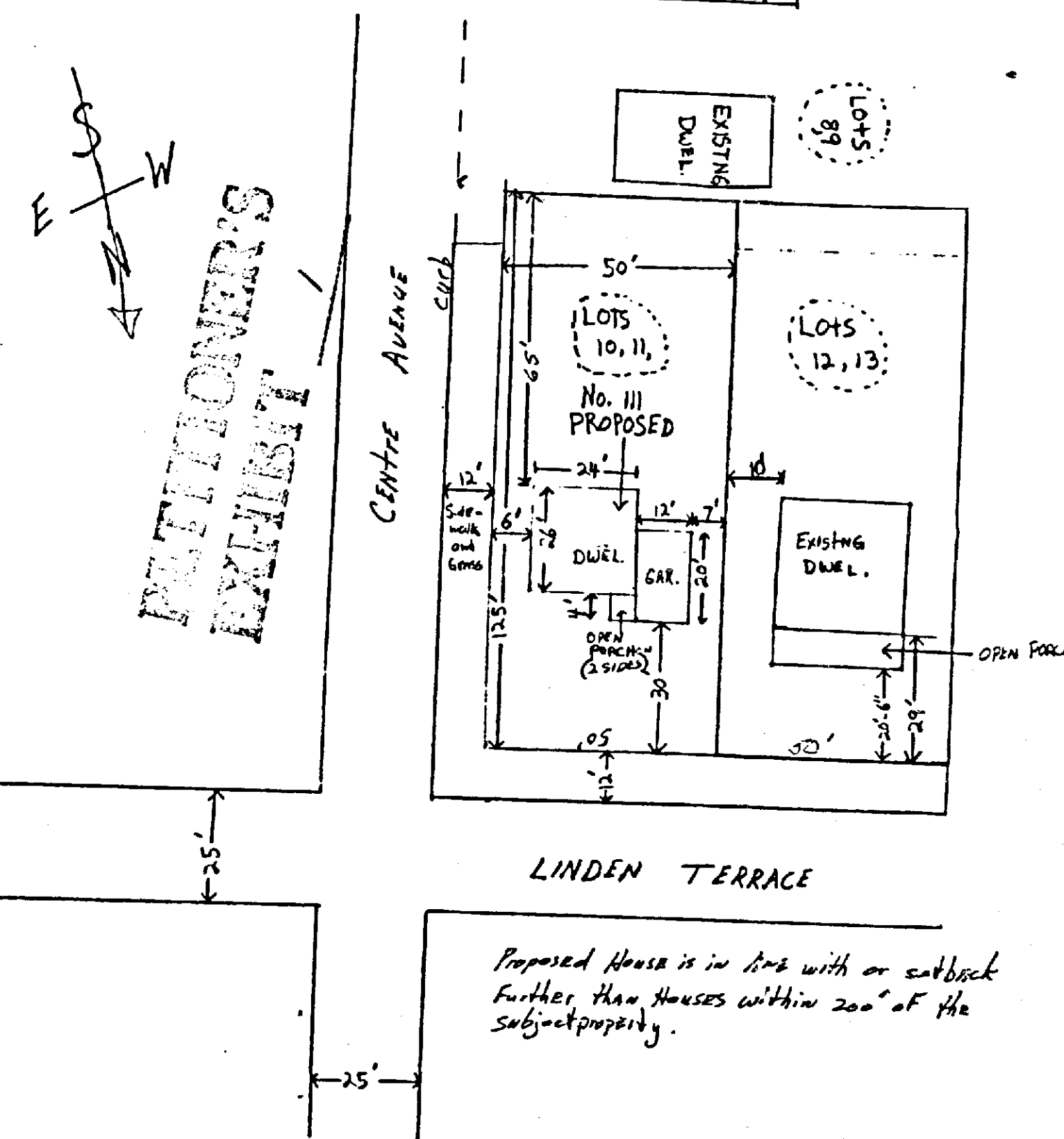
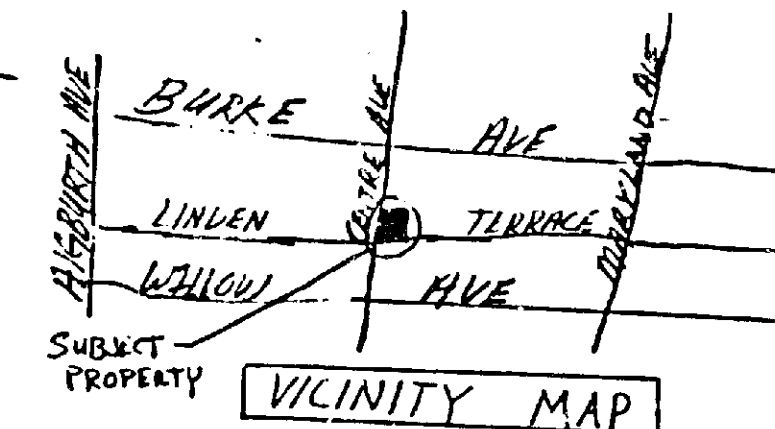
85-228-A

Towson, Md. 2/13 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 23rd day of Jan 1985

The TOWSON TIMES

Cost of Advertisement: \$ 26.50



PLAT FOR ZONING VARIANCE  
OWNER - BARBARA F. BACHUR  
DISTRICT - 9 ZONED DR 5.5  
SUBDIVISION - TOWSON MANOR  
LOT 10, 11, W.P.C. #5-79  
EXISTING UTILITIES IN LINDEN TERRACE and CENTRE AVE  
SCALE: 1" = 30'

